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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,327	09/02/2004	Shingo Hiramatsu	0210-0190PUS1	1247

2292 7590 03/11/2008  
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EXAMINER
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SAJJADI, FEREDYDOUN GHOTB

ART UNIT	PAPER NUMBER
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1633

NOTIFICATION DATE	DELIVERY MODE
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03/11/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### **DETAILED ACTION**

Continuation of 3. will not be entered because:

Applicants have amended each of claims 21-23 to include the limitation: "'an approximately 5500 base pair sequence comprising approximately nucleotides 57444 to 62927 of GenBank Accession No. AF 226688", that includes a region upstream of the fibroin H chain gene promoter (HUP region), not previously examined; Thus requiring new search and consideration of patentability.

Additionally, the newly introduced limitation constitutes new matter, because while the instant specification defines the HUP region as "base numbers 57444-62927 of GenBank registration no. AF 226688" (p. 41, lines 11-12), the specification fails to disclose "approximately nucleotides 57444 to 62927" as part of any vector construct.

Continuation of 11. does not place the application in condition for allowance because:

Applicants' arguments are based on the proposed amended claims. However, as these claims have not been entered, the arguments are not found to be persuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FEREYDOUN G. SAJJADI whose telephone number is (571)272-3311. The examiner can normally be reached on 6:30 AM-3:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach can be reached on (571) 272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1633

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fereydoun G. Sajjadi, Ph.D.  
Examiner, Art Unit 1633

*/Anne Marie S. Weh  /*  
Primary Examiner, A.U. 1633